MYSORE STATE

Dept (195) Department.

Passed

M/s. SERIES.

G.O. NO. 3917

Dated 11. 9. 1952.

[Despatch Abstract.]

Memo. D.L. Statute - S. Canara dt. Karatalle

Td. 39 acres in S. No. 138/1 of Narvi Vg

Appl of Sri B. K. Avanaha.

G rants.

OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE: MADRAS

From
Sri M.T. Raju, Bar-at-Law, I.C.S.,
Director of Industries and Commerce,
Cathedral P.O. Madras 6.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-

Ref. No. J-L/12113/51-5 dated 7-4-1952.

Sir,

Sub: Mining - Prospecting licence - Steatite (South Kanara) - Karkal Taluk - Naravi Village - S.No.138/1 - application of Sri B.F. Aranha.

Read: From the Collector South Kanara Ref.C.4987/50/A.7 dated 29-11-51. III on p. 4 below
Board's Ref. No. L/12113/51-2 dated 17-12-1951. I on p. 3 below
From the Collector, South Kanara Ref.C.4987/50/A.7 dated 14-2-1952. II on p. 3 below
From the Collector, South Kanara Ref.C.4987/50/A.7 dated 12-3-1952. IV on p. 5 below

TELEGR. ASST. SECRETARY TO GOVT. 11 APR 1952 DEVELOPMENT DEPARTMENT

==== 12694

72.39 vide Submitted to Government.

In the circumstances reported by the Collector, I recommend that the Government may be pleased to grant a prospecting licence to Sri B.F. Aranha, consulting geologist, Kankanady over an extent of 79-24 acres in S.No.138/1 of Naravi Village South Kanara District subject to the special conditions proposed by the Collector in his letters cited above. 11-12 below

K

The application, copies of Collector's letters and other connected records are herewith enclosed.

Special Officer for Mines and Minerals.
for Director.

sg.
Encls:

I

Copy of letter L.12113/5-12 dated 17-12-1951 of the Secretary to the Board of Revenue, Chepauk, Madras addressed to the Collector, South Kanara.

Sub: Mines - Steatite - Prospecting licence (South Kanara District) - Karkal Taluk - Naravi Village - S.No.138/1 - Extent 72-39 acres - application of Sri B.F. Aranha - further report - called for.

Ref: From the Collector of South Kanara Ref.C.No.4987/50/A.7 dated 29-11-1951.

It is observed that Sri B.F. Aranha has applied for the full extent in S.No.138/1 of Naravi Village for prospecting steatite. The Collector is requested to report (1) whether cultivation is being carried on in any part of the area applied for and (2) whether any other place is available in the village for grazing purposes and to serve the communal needs of the village community. The Collector is also requested to report any other specific objection against the grant of the whole S.No. on licence to the applicant and the maximum extent that might be granted without infringing any rights.

M
Not on file

2. A copy of the draft of conditions that may be imposed upon the applicant with reference to Rule 23 (2) of the Mineral Concession Rules 1949 is forwarded to the Collector of South Kanara and he is requested to report whether in view of condition 5 the condition referred to in para 4 of his letter is necessary. He is also requested to state whether all the conditions are necessary in this case.

3. The connected records of enquiry forwarded with his reference cited are sent herewith for reference and return.

Sd/- xx

/ true copy /

II

Copy of the letter Ref.C.No.4987/50/A.7 dated 14-2-1952 from the Collector, South Kanara addressed to the Secretary to the Board of Revenue, Madras.

Sub: Mining - Prospecting licence - Steate (South Kanara) - Karkal Taluk - Naravi Village - S.No.138-1 (10 acres) - application of Sri B.F. Aranha.

Ref: 1. My Ref.C.No.4987/50/A.7 dated 29-11-51.
2. Board's Ref.L/112113/51-1 dated 17-12-51.

The particulars called for by the Board in its reference cited above are furnished below.

1. Cultivation is not being carried on in any portion of the land applied for by the petitioner for prospecting steatite.

2. There are other lands available in the Village for grazing purposes and for the communal needs of the Village community.

3. There are no other objections except those mentioned in para 2 of my report cited first above.

Condition No.5 mentioned in the draft of conditions to be imposed under rule 22 (2) of M.C. Rules communicated by the Board on its reference cited second, above may be adopted with the following additions - "and necessary seigniorage fees will be payable in respect of trees damaged or removed."

(K) The connected records of enquiry pages 1 to 194 are enclosed.

Yours faithfully,

Copy of the letter Rc.No.4987/50/A.7 dated 29-11-51 of the Collect(South Kanara addressed to the Secretary to the Board of Revenue, Chepauk, Madras.

====

Sub: Mining - prospecting licence - steatite (South Kanara) - Karkal Taluk - Naravi Village - S.No.138/1 - (10-00 acres) - application of B.F. Aranha - submitted.

====

One Sri Bernard Francis Aranha consulting Geologist, Kankanady post Mangalore had applied for a prospecting licence in 1946 to prospect steatite from an extent of 10 acres in S.No.138/1 of Naravi Village in Karkal Taluk. The extent of the entire field is 72.39 acres and it stands registered as assessed waste dry in the revenue accounts. The Government in their Memo No.773 Revenue dated 15-11-47 had approved the proposal to grant a prospecting licence to the petitioner. When the licence was about to be issued, the Government of India passed the Mineral Concession Rules 1949 and all applications pending on 25-10-49 had to be disposed of in accordance with those rules. Accordingly the petitioner was called upon to submit a fresh application as per the Mineral Concession Rules 1949 in the prescribed form with an application fee of Rs.50/- and a security deposit of Rs.100/- agreeably to this order the petitioner has renewed his application.

2. In his present application he requests that he may be permitted to prospect the Mineral on the entire extent of 72.39 acres. A considerable portion of this plot forms Kumki to the Kadim lands in the vicinity. In the remaining portion there are thick valuable tree growth. The villagers allow their cattle to graze on this land and collect green manure and fuel from the existing tree growth on the land. The grant of a prospecting licence for the entire area would deprive of the above facilities to the villagers. It is only after considering the above disadvantages to the villagers, the ten acres now marked as A in the eyesketch at page 121 C.F. was selected before for the purpose.

3. The petitioner is, however, not willing to pay the seigniorage value of the tree growth existing on the selected area of 10 acres in S.No.138/1 of Naravi Village. The seigniorage value of these trees has been estimated at Rs.625/- by the Tahsildar Karkal and at Rs.1000/- by the Forest Department. The petitioner contends that the question of payment of the seigniorage value of the trees as determined by the forest department does not arise in the case of mining operations conducted in any place. He is prepared to pay the seigniorage value of the trees as and when cut by him.

4. The Government in their L.Dis.1126/48 dated 15-3-48 have ordered the grant of a prospecting licence for steatite to Mr. B.F.Aranha subject to the following special condition.

'No tree growth can be cut or removed or otherwise damaged from the leased plot without the previous permission of the Collector and subject to the payment of seigniorage foes'
The same special condition may be included in the prospecting licence to be issued to the petitioner now.

5. The certificate of approval granted to the petitioner was last renewed in Government Memo No.463 (Revenue Department) dated 3-8-51.

6. In the circumstances detailed above the grant of a prospecting licence to the petitioner is recommended. The Connected records of enquiry (pages 1 to 188) are enclosed.

Yours faithfully,
Sd/- xx
for Collector.

/ true copy /

Exh IV

Copy of the letter Ref.C.No.4987/50/A.7 dated 12-3-1952 of the Collector, South Kanara addressed to the Director of Industries and Commerce, Madras.

====

Sub: Mining - Prospecting licence - steatite (South Kanara) - Karkal Taluk - Naravi Village - S.No.138/1 - application of Sri B. Aranha.

Ref: Board's Ref.L/12113/51-4 dated 25-2-1952.

====

The plot S.No.138/1 of Naravi village is not surrounded by reserve forests. But at a distance of ¾ mile to the west of this plot there is a reserve forest called "Kodyalamale." As the reserve forest is a bit far away from the plot in question condition No.7 in the draft special conditions to the imposed communicated in Board's reference cited above is not necessary in this case.

Yours faithfully,
Sd/- xx
for Collector.

/ true copy /

Please view
25.4.52

Dept. J 1

Memo. No. 42694 J/52-1 Dt. 25-4-52

Sub: Mining. Prospecting licence - Steatite (South Kanara) - Karkal Taluk - Varavi village - S. No. 138/1 Application of Sri B. F. Aranha.

p. i. c. i: Ref: From the D. J. & C. No. J/L 1 12113/51-2 dated 7.4.52

The draft Special Conditions proposed by the Collector mentioned in the reference cited is not found ~~available~~ in the list of Records sent by him. He is requested to send it urgently.

Dy
25.4.52

Dy
25/4/52

Copies
Dt. 28/4

To. (K)
The D. J. & C.

OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE: MADRAS

From
The Director of Industries and Commerce,
Mackeys Gardens,
Cathedral P.O. Madras 6.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-

Ref. No. J/L-12113/51-6 dated 7-5-1952.

Sir,

52754

Sub:- Mining - prospecting licence - Steatite (South Kanara) - Karkal Taluk -Naravi Village -S.No.138/1 - application of Sri R[illegible] Aranha.

Reddi/AV 1952

Government Development Memo No. 42694-J/52-I dated 25-4-1952
This office Ref.J/L-12113/51-2 dated 7-4-1952.

I am enclosing herewith a copy of the draft special conditions / propose by the Collector.

pp.11-12 below

for Director of Industries and Commerce.

sg.8.5.
Encls:

Conditions to be imposed in a Prospecting Licence with reference to rule 23 (2) of the Mineral Concessions Rules 1949.

(1) the licencee should keep the stocks of beryl or any other prescribed substance under Sec. 3 of the Atomic Energy Act No. XXIX of 1948 if they occur in the property covered by the licence with a view to making them available to the Government of India.

(2) the licencee shall pay the royalties due to the Government into any Government treasury half-yearly on the first June and the first December every year. He shall pay the prospecting fee prescribed for before the licence is issued to him.

(3) the licencee shall pay reasonable compensation for all damages any injury which may be caused by him in the exercise of any of the powers conferred by the licence.

(4) the licensee shall indemnify the Government of Madras against all claims and suitswhich may be made or brought by any person in respect of any damage injury or disturbance caused by the licensee.

(5) the licensee shall not cut or injure any timber or tree without the written permission of the Collector or of any officer appointed in their behalf. and necessary seigniorage fees will be payable in respect of trees damaged or removed.

(6) the licensee shall not work or carry on any operations in or under the lands covered by the licence at or to any point within a distance of 50 yards from any railway reservoir, canal or other public work or any building or inhabited site shown on the plan thatwill beannexed with the licence date except with the previous permission in writing of the Governor or some officer authorised by him in that behalf or otherwise than in accordance with such instructions and conditions either general or special which may be attached to such permission. The said distance of 50 yards shall be measured in the case of a railway reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in the case of building horizontally from the plinth thereof. For the purpose of this clause the expression "Railway" shall have the same meaning as in the Indian Railway Act, 1890.

(7) (a) the licensee shall not enter upon or commence prospecting in any reserve forest situate upon the said lnds without thirty days previous notice in writing to the District Forest Officer, nor without obtaining the written sanction of thatofficer nor otherwise than in accordance with such condition as that officer may in his absolute discretion prescribe.

(b) the area without the reserved forest limits must be demarcated by a declared fire lineof 40 feet widewhich will be cut andkept cleared by the Forest Department at the expanse of the licensee.

(c) the licensee mustat all times permit the Forest Department to enter upon the land for the purpose of maintaining or repairing existing boundary lines within the area and must pay the cost of such maintenance or repairas determined by the District Forest Officer.

(d) the licensee must take suitable precautions to prevent firest from spreading into the adjoining reserve forest from the land, and ifsuch fires accidentally occur he must render all possible assistance in putting them out.

P.T.O.

(c) the licensee shall not cut any trees or growth on the area granted in excess of 20 per centx of the number of trees on the whole area under the licence without the previous permission, of the District Forest Officer and the value of such trees, etc. shall be paid for by thqlicensee at rates to be fixed by the District Forest Officer. He must not deface or interfere with any boundary stone or marks; if any boundary mark is accidentally damaged, he must bring the matter immediately to the notice of the Range Officer.

(8) If any buildings, plants, engines, machinery, implementsor other preoperty are not removed by the licensee within one month and are left over after determination of the licence, they shall be deemed to become the property of the Government and may be sold or disposed of in such a manner as the Government shall deem fit without liability to pay any compensation in respect of them.

(9) in the event of the existence of a state of war or grave national emergency of which the Government will be the sole judge xxhxx the Government after due notice in writing of their intention to do so, may forthwith take possession or assume conteol of the works, plant and machinery on the mining operations after payment of a fair compensation.

(True Copy)

tss/11-6. Superintendent.

-100 Copies.

34
29/5

13 Dem. F

28-5-52

Mining No. 424.9 Ac. 72½ 2nd 21 - Dy 28-5-52

Sub: Mining - Prospecting licence Stipulations (South Kanara) - Karkal Taluk Nararu village - S. No. 138/1 Extent 72.39 acres - Application of Sri B. F. Aranha

Sri B. F. Aranha is informed that the question of granting him the prospecting licence applied for will be considered ~~while this Certificate of approval is renewed for the year 1952 and~~ when he submits to the State Govt. through the Collector of South Kanara

An Income-tax clearance Certificate

from the Income tax Officer

To

Sri B.T. Ramba,
Consulting Geologist
Kankanady post,
Mangalore,

Copy to the I.T.O.
to the Collr. of
South Kanara

OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE: MADRAS

From
The Director of Industries and Commerce,
Mackeys Gardens,
Cathedral P.O. Madras.

To
The Secretary to Government,
Development Department,
Fort St. George, Madras.

-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-v-

Ref. J/L-12113/51-8 dated 13-8-1952.

ASSTT. SECRETARY TO GOVERNMENT
16 AUG 1952
DEVELOPMENT DEPARTMENT

Sir,

Sub: Mines - P.L. (South Kanara) - Karkal Taluk - Naravi Village - S.No.138/1 - Extent 10 acres - application of Sri B.F. Aranha.

Ref: This office Ref. J/L-12113/51-6 dated 7-5-1952.
Government Memo No.42694-J/52-2 dated 28-5-1952.

I request that orders of Government passed if any may be communicated to me at an early date.

for Director of Industries and Commerce.

sg.13.8.

4

1,002—18-6-52.

17

GOVERNMENT OF MADRAS.

ABSTRACT.

MINES—Prospecting licence — Sheatite — ~~Iron~~ Karkal Taluk S. Kanara district — S. Nos. 138/1 of Narvi village—Application of Sri B F Aranha — Granted.

DEVELOPMENT DEPARTMENT.

G.O. Ms. No. 3917 dated the 11-4-1952

READ—the following:—

From the Director of Industries and Commerce, letter No. J/2. 12113/51-5 dated 7-4-52

ORDER:

In exercise of the powers conferred by rule 17 of the Mineral Concession Rules, 1949, the Government sanction the grant to Sri B. F. Aranha of Kankanady of a prospecting licence for Sheatite for a period of one/~~two~~ years over an extent of 72-39 acres in S. No. 138/1 of Narvi village, Karkal Taluk S. Kanara district subject to the conditions mentioned in sub-rule (1) of rule 23 of the Mineral Concession Rules, 1949, and also the conditions specified in the appendix to this order.

2. The rate of prospecting fee will be annas eight per acre of the land covered by the licence for each year or portion of a year.

3. The applicant should depsosit as security a sum of Rs. 100, as prescribed in rule 19 of the Mineral Concession Rules, 1949, before the licence is actually executed.

4. The terms and conditions stated in this order are subject to such further modifications, additions and alterations as may be incorporated in the licence deed before it is executed.

5. The Collector of S. Kanara is requested to take necessary further action for the execution of the licence deed. As soon as the licence deed is executed, the date of such execution should be reported to the Government and the Director of Industries and Commerce.

(By order of the Governor)

29.8.52

Secretary to Government.

To the Director of Industries and Commerce. (with records)
" the Collector of S. Kanara
" Sri B. F. Aranha
Kankanady P.O
S. Kanara

(True copy/By order)

Superintendent.

Appendix.

(1) The licensee should keep the stocks of Beryl or any other "prescribed substance" as defined in section 3 of the Atomic Energy Act, 1948 (Central Act XXIX of 1948), if they occur in the property covered by the licence with a view to making them available to the Government of India;

(2) the licensee shall pay the royalties due to the Government in to any Government treasury half-yearly on the first June and first December every year; he shall also pay the prospecting fee prescribed before the licence is issued to him;

(3) the licensee shall pay reasonable compensation for all damages and injury which may be caused by him in the exercise of any of the powers conferred by the licence;

(4) the licensee shall indemnify the Government of Madras against all claims and suits which may be made or brought by any person in respect of any damage injury or disturbance caused by the licensee;

(5) the licensee shall not cut or injure any timber or tree without the written permission of the Collector or of any officer appointed by him in this behalf; ~~he shall be liable to pay the cost of the~~ trees cut or damaged at the rates fixed by the Collector.

(6) the licensee shall not work or carry on any operation in or under the lands covered by the licence at or to any point within a distance of 50 yards from any railway reservoir, canal or other public work or any building or inhabited site except with the previous permission in writing of the Governor or some officer authorized by him in that behalf or otherwise than in accordance with such instructions and conditions either general or special which may be attached to such permission; the said distance of 50 yards shall be measured in the case of a railway reservoir or canal horizontally from the outer toe of the bank or the outer edge of the cutting as the case may be and in the case of a building horizontally from the plinth thereof;

For the purpose of this clause the expression 'Railway, shall have the same meaning as in the Indian Railway Act, 1890; ~~M.P.~~ (7) ~~(a) the licensee shall not enter upon or commence prospecting in any reserve forest~~ situate upon the said lands without thirty days previous notice in writing to the District Forest Officer nor without obtaining the written sanction of that officer nor otherwise than in accordance with such condition as that officer may in his absolute discretion prescribe;

(b) the area within the reserved forest limits must be demarcated by a declared fire line of 40 feet wide which will be cut and kept cleared by the Forest Department at the expense of the licensee;

(c) the licensee must at all times permit the Forest Department to enter upon the land for the purpose of maintaining or repairing existing boundary lines within the area and must pay the cost of such maintenance or repair as determined by the District Forest Officer;

(d) the licensee must take suitable precautions to prevent fires from spreading into the adjoining reserve forest from the land and if such fires accidentally occur he must render all possible assistance in putting them out;

(e) the licensee shall not cut any trees or growth on the area granted in excess of 20 per cent of the number of trees on the whole area under the licence without the previous permission of the District Forest Officer and the value of such trees, etc., shall be paid for by the licensee at rates to be fixed by the District Forest Officer; he must not deface or interfere with any boundary stone or marks; if any boundary mark is ~~accidentally damaged, he must bring the matter immediately to the notice of the Range Officer.~~

(7) (8) if any buildings, plants, engines, machinery, implements or other property are not removed by the licensee within one month and are left over after determination of the licence, they shall be deemed to become the property of the Government and may be sold or disposed of in such manner as the Government shall deem fit without liability to pay any compensation in respect of them; and

(8) (9) in the event of the existence of a state of war or grave national emergency of which the Government will be the sole judge the Government after due notice in writing of their intention to do so, may forth with take possession or assume control of the works, plant and machinery and the mining operations, after payment of a fair compensation.

28/8/52

(True copy)/(By order)

29/8/52

Superintendent.

Development Department (J)

Sub: Mining - Prospecting licence - Steatite - (South Kanara) Karkal taluk - Naravi village - S.No.138/1 - Extent 72.39 acres - Application of Sri B.F. Aranha.

Ref: From the D.I.& C. No.J/L 12113/51-5 dated 7.4.1952

To A.S.

Sri Bernard Francis Aranha has applied for a prospecting licence to prospect for steatite (for a period of one year) over an extent of 72.39 acres in S.No.138/1 of Naravi village, Karkal taluk, South Kanara district. He has remitted a fee of Rs.50/- towards application fees.

2. It is submitted that Sri Aranha applied for the prospecting licence in 1946. When the licence was about to be issued the M.C.Rules 1949 came into force. A fresh application was therefore obtained from the applicant and it has now been submitted for orders.

3. The Collector originally reported that a considerable portion of the plot formed Kumki to Kadim lands in the vicinity that there was thick forest growth of valuable trees in the remaining portion and that the villagers allowed their cattle to graze on this land and collected green manure and fuel from the existing tree growth on the land. For these reasons, the Collector originally recommended the grant of 10 acres of land in the area. But when the Board of Revenue asked the Collector to state the specific objections to the grant of an entire plot, the Collector reported that there was no Kumki cultivation in the area applied for, and that the villagers have other lands for grazing their cattle. He further stated that there were no other objections to the grant of the entire plot except those already stated by him. It would be seen that the objection according to the Collector is regarding the forest growth on the land. It is submitted that the applicant has agreed to pay seigniorage fee on the trees cut. The Collector has therefore proposed the following special condition:-

"No tree growth can be cut or removed or otherwise damaged from the leased plot without the previous permission of the Collector and subject to the payment of seigniorage fees".

In view of the above the D.I. & C. has recommended the grant of the licence to Sri Aranha for a period of one year over the entire extent of 72:39 acres in S.No:138/1 of Naravi village Karkal Taluk, South Kanara District.

It is submitted that the certificate of approval of Sri Aranha has not yet been renewed for the year 1952. Besides, Sri Aranha has not submitted income-tax clearance certificate. He may be informed that his application will be considered only after the renewal of the certificate and the production of the income-tax clearance certificate.

Subject to orders a draft memo. is submitted for approval.

25/5/52 Kn 26/5/52

26/5/52 D.S. 27.5.52

Issued as memo No. 42694 J/52-2 dt 28.5.52. — pp 13-14 cf
— from the D.I.& C., Ref J/L 12113/51-8 dt 13.8.52. p 15 cf

ASI.

The applicant Sri B.F. Aranha has not yet submitted the income-tax clearance certificate. In view of the recent decision of the High Court, it seems unnecessary to insist on the certificate.

It is for orders whether the recommendation of the Commissioner and the D.I.& C. may be accepted and Sri B.F. Aranha granted the licence applied for by him. Subject to orders a draft order is submitted for approval. pp 1-2 cf

The Spl. condition proposed by the Comr. has been incorporated in condition No. 6, of the draft order.

Kn 28/8/52

28/8/52 Yes, it may be granted.

31.8.52 T.K. Krishnaraju 7/9/52

M (9 & L)

SECRETARY TO GOVT. 8 DEC 1952 REVENUE DEPT.

D. cof. J.

To. AS

(Orders on P. 2 - above)

Necessary entries have been made in P.L. Register against item 50. The draft order placed below may now issue.

11.9.52 11.9.52

11952